

# EXHIBIT 03

**From:** [Chenery, Taylor](#)  
**To:** [Shuford, Wynn \(USATNM\)](#); [Bowden, Ellen \(USATNM\)](#)  
**Cc:** [Roark, Brian](#); [jmartin@barrettjohnston.com](#); [Seth Hyatt](#); [bryanvroon@gmail.com](#); [Sweet, Kara \(USATNM\)](#); [Robert S. Salcido \(rsalcido@akingump.com\)](#); [Sample, Taylor M.](#); [Webber, Hannah E.](#)  
**Subject:** [EXTERNAL] RE: Methodist  
**Date:** Wednesday, May 3, 2023 8:52:12 AM  
**Attachments:** [image001.png](#)  
[Joint Discovery Dispute Statement RFPs 26 and 27 and Topic 1 \(Final\) \(2\).DOCX](#)  
[Joint Motion for Discovery Conference \(Final\).DOCX](#)

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Wynn,

That formatting change has been made in the attached updated version. We'll get these filed.

Thanks,  
Taylor

**Taylor Chenery**

**Bass, Berry & Sims PLC**  
150 Third Avenue South, Suite 2800 • Nashville, TN 37201  
615-742-7924 phone • 615-618-3300 cell  
[TChenery@bassberry.com](mailto:TChenery@bassberry.com) • [www.bassberry.com](http://www.bassberry.com)

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**From:** Shuford, Wynn (USATNM) <Wynn.Shuford@usdoj.gov>  
**Sent:** Tuesday, May 2, 2023 4:03 PM  
**To:** Chenery, Taylor <TChenery@bassberry.com>; Bowden, Ellen (USATNM) <Ellen.Bowden2@usdoj.gov>  
**Cc:** Roark, Brian <BRoark@bassberry.com>; jmartin@barrettjohnston.com; Seth Hyatt <shyatt@barrettjohnston.com>; bryanvroon@gmail.com; Sweet, Kara (USATNM) <Kara.Sweet@usdoj.gov>; Robert S. Salcido (rsalcido@akingump.com) <rsalcido@akingump.com>; Sample, Taylor M. <taylor.sample@bassberry.com>; Webber, Hannah E. <hannah.webber@bassberry.com>  
**Subject:** RE: Methodist

Taylor,

We disagree your statement that there has been "an abuse of the joint discovery dispute process," and we are not trying to forestall anything. In fact, we have been very prompt in responding to you. You may disagree with our position, but your assertions are not fair. That being said, in order to resolve this issue and end this discussion, you can file the version you sent yesterday.

Also, can you fix the formatting so the heading for C. of our section is not at the bottom of the page?

Thanks

**Wynn M. Shuford**  
**Assistant U.S. Attorney**



**Middle District of Tennessee**

U.S. Attorney's Office | 719 Church Street, Suite 3300 | Nashville, Tennessee  
37203-6940

T: (615) 401-6601 | C: (615) 779-4056

eMail: [Wynn.Shuford@usdoj.gov](mailto:Wynn.Shuford@usdoj.gov)

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**From:** Chenery, Taylor <[TChenery@bassberry.com](mailto:TChenery@bassberry.com)>

**Sent:** Tuesday, May 2, 2023 11:55 AM

**To:** Bowden, Ellen (USATNM) <[EBowden@usa.doj.gov](mailto:EBowden@usa.doj.gov)>

**Cc:** Roark, Brian <[BRoark@bassberry.com](mailto:BRoark@bassberry.com)>; [jmartin@barrettjohnston.com](mailto:jmartin@barrettjohnston.com); Seth Hyatt <[shyatt@barrettjohnston.com](mailto:shyatt@barrettjohnston.com)>; [bryanvroom@gmail.com](mailto:bryanvroom@gmail.com); Shuford, Wynn (USATNM) <[WShuford@usa.doj.gov](mailto:WShuford@usa.doj.gov)>; Sweet, Kara (USATNM) <[KSweet@usa.doj.gov](mailto:KSweet@usa.doj.gov)>; Robert S. Salcido (<[rsalcido@akingump.com](mailto:rsalcido@akingump.com)>) <[rsalcido@akingump.com](mailto:rsalcido@akingump.com)>; Sample, Taylor M. <[taylor.sample@bassberry.com](mailto:taylor.sample@bassberry.com)>; Webber, Hannah E. <[hannah.webber@bassberry.com](mailto:hannah.webber@bassberry.com)>

**Subject:** [EXTERNAL] RE: Methodist

Ellen,

Based on its comments, the government does not agree to Methodist's proposed additions because it does not believe that they relate to the parties' attempts to resolve the dispute, because the government doesn't "see the point of this" and believes that "this background is not at issue," and because the parties disagree about the interpretation of the quoted statements. That is precisely why Methodist disagreed with including the two paragraphs that it identified in the "Details of Attempts at Resolution" section as objectionable and why statements about which the parties disagree should be included in their respective position statements rather than the joint portion of the statement.

The government refuses to consent to filing a joint statement unless the joint section contains statements with which Methodist disagrees and also refuses to consent to a joint section that includes any statements with which the government disagrees. That is an abuse of the joint discovery dispute process and a clear attempt to forestall this issue from being raised with the Court. Methodist believes that the jointly drafted sections of the joint discovery dispute statement should be jointly drafted and should not contain statements about which the parties disagree. If the government will not agree to such a statement, then Methodist is entitled to include statements that it believes provide necessary context to the dispute.

The parties can file either the version that does not include statements about which the parties disagree – which Methodist proposes and which I circulated on Friday – or a version that includes the statements and information that both parties believe to be relevant, even if the parties disagree about them, which I sent yesterday. But the government cannot unilaterally determine what statements and information are relevant to the dispute and prevent the joint dispute statement from being filed until Methodist agrees to file a version that includes statements with which it disagrees but none with which the government disagrees.

Please let us know by tomorrow which version of the joint statement the government agrees to file. If the government will not agree to participate in the joint dispute statement process in good faith, Methodist will have no choice but to file a separate motion seeking the relief addressed in the draft joint discovery dispute statement.

Thanks,  
Taylor

**Taylor Chenery**

**Bass, Berry & Sims PLC**

150 Third Avenue South, Suite 2800 • Nashville, TN 37201

615-742-7924 phone • 615-618-3300 cell

[TChenery@bassberry.com](mailto:TChenery@bassberry.com) • [www.bassberry.com](http://www.bassberry.com)

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**From:** Bowden, Ellen (USATNM) <[Ellen.Bowden2@usdoj.gov](mailto:Ellen.Bowden2@usdoj.gov)>

**Sent:** Monday, May 1, 2023 3:35 PM

**To:** Chenery, Taylor <[TChenery@bassberry.com](mailto:TChenery@bassberry.com)>

**Cc:** Roark, Brian <[BRoark@bassberry.com](mailto:BRoark@bassberry.com)>; [jmartin@barrettjohnston.com](mailto:jmartin@barrettjohnston.com); Seth Hyatt <[shyatt@barrettjohnston.com](mailto:shyatt@barrettjohnston.com)>; [bryanvroon@gmail.com](mailto:bryanvroon@gmail.com); Shuford, Wynn (USATNM) <[Wynn.Shuford@usdoj.gov](mailto:Wynn.Shuford@usdoj.gov)>; Sweet, Kara (USATNM) <[Kara.Sweet@usdoj.gov](mailto:Kara.Sweet@usdoj.gov)>; Robert S. Salcido (<[rsalcido@akingump.com](mailto:rsalcido@akingump.com)>) <[rsalcido@akingump.com](mailto:rsalcido@akingump.com)>; Sample, Taylor M. <[taylor.sample@bassberry.com](mailto:taylor.sample@bassberry.com)>; Webber, Hannah E. <[hannah.webber@bassberry.com](mailto:hannah.webber@bassberry.com)>

**Subject:** RE: Methodist

Taylor – Please see the US' comments about what we accept and do not accept in the above redline. Again, assuming that you are prepared to file it with only the language that the US has agreed to, please give me advance notice so that I can file my motion to expand the page limit before you file. Thanks.

Ellen

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**From:** Chenery, Taylor <[TChenery@bassberry.com](mailto:TChenery@bassberry.com)>

**Sent:** Monday, May 1, 2023 2:59 PM

**To:** Bowden, Ellen (USATNM) <[EBowden@usa.doj.gov](mailto:EBowden@usa.doj.gov)>

**Cc:** Roark, Brian <[BRoark@bassberry.com](mailto:BRoark@bassberry.com)>; [jmartin@barrettjohnston.com](mailto:jmartin@barrettjohnston.com); Seth Hyatt <[shyatt@barrettjohnston.com](mailto:shyatt@barrettjohnston.com)>; [bryanvroon@gmail.com](mailto:bryanvroon@gmail.com); Shuford, Wynn (USATNM)

<[WShuford@usa.doj.gov](mailto:WShuford@usa.doj.gov)>; Sweet, Kara (USATNM) <[KSweet@usa.doj.gov](mailto:KSweet@usa.doj.gov)>; Robert S. Salcido ([rsalcido@akingump.com](mailto:rsalcido@akingump.com)) <[rsalcido@akingump.com](mailto:rsalcido@akingump.com)>; Sample, Taylor M. <[taylor.sample@bassberry.com](mailto:taylor.sample@bassberry.com)>; Webber, Hannah E. <[hannah.webber@bassberry.com](mailto:hannah.webber@bassberry.com)>  
**Subject:** [EXTERNAL] RE: Methodist

Ellen,

We disagree that the cited quotations are critical to clarifying the Court's order. We believe that quotations to the hearing transcript about which the parties disagree should not be included in the joint "Details of Attempts at Resolution" section of the joint statement and are more appropriately and efficiently included in the parties' position statements. Nonetheless, because the government has stated that it will not consent to filing the joint statement unless the quotations remain in that section, we have added additional quotations in the attached redline that Methodist believes are critical to clarifying the Court's ruling.

A clean version of the joint statement incorporating these additions is also attached.

Thanks,  
Taylor

**Taylor Chenery**

**Bass, Berry & Sims PLC**

150 Third Avenue South, Suite 2800 • Nashville, TN 37201

615-742-7924 phone • 615-618-3300 cell

[TChenery@bassberry.com](mailto:TChenery@bassberry.com) • [www.bassberry.com](http://www.bassberry.com)

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**From:** Bowden, Ellen (USATNM) <[Ellen.Bowden2@usdoj.gov](mailto:Ellen.Bowden2@usdoj.gov)>

**Sent:** Monday, May 1, 2023 8:57 AM

**To:** Chenery, Taylor <[TChenery@bassberry.com](mailto:TChenery@bassberry.com)>

**Cc:** Roark, Brian <[BRoark@bassberry.com](mailto:BRoark@bassberry.com)>; [jmartin@barrettjohnston.com](mailto:jmartin@barrettjohnston.com); Seth Hyatt <[shyatt@barrettjohnston.com](mailto:shyatt@barrettjohnston.com)>; [bryanvroom@gmail.com](mailto:bryanvroom@gmail.com); Shuford, Wynn (USATNM) <[Wynn.Shuford@usdoj.gov](mailto:Wynn.Shuford@usdoj.gov)>; Sweet, Kara (USATNM) <[Kara.Sweet@usdoj.gov](mailto:Kara.Sweet@usdoj.gov)>; Robert S. Salcido ([rsalcido@akingump.com](mailto:rsalcido@akingump.com)) <[rsalcido@akingump.com](mailto:rsalcido@akingump.com)>; Sample, Taylor M. <[taylor.sample@bassberry.com](mailto:taylor.sample@bassberry.com)>; Webber, Hannah E. <[hannah.webber@bassberry.com](mailto:hannah.webber@bassberry.com)>

**Subject:** RE: Methodist

Taylor – To be clear, the US believes that the 2 paragraphs that we disagree upon are critical to clarifying the Court's actual ruling and the other remarks that gave the US its good faith basis for believing that a stipulation would resolve things. As I stated, we will not consent to filing this statement unless they remain in this section. We do consent to your change to FN 1.

Please advise if you intend to file this with the 2 paragraphs intact today, so that the US may proceed to file its motion for a page limit expansion in advance of the joint motion filing. I will be in meetings much of today, so I do need advance notice. Thank you.

Ellen

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**From:** Chenery, Taylor <[TChenery@bassberry.com](mailto:TChenery@bassberry.com)>  
**Sent:** Friday, April 28, 2023 3:56 PM  
**To:** Bowden, Ellen (USATNM) <[EBowden@usa.doj.gov](mailto:EBowden@usa.doj.gov)>  
**Cc:** Roark, Brian <[BRoark@bassberry.com](mailto:BRoark@bassberry.com)>; [jmartin@barrettjohnston.com](mailto:jmartin@barrettjohnston.com); Seth Hyatt <[shyatt@barrettjohnston.com](mailto:shyatt@barrettjohnston.com)>; [bryanvroon@gmail.com](mailto:bryanvroon@gmail.com); Shuford, Wynn (USATNM) <[WShuford@usa.doj.gov](mailto:WShuford@usa.doj.gov)>; Sweet, Kara (USATNM) <[KSweet@usa.doj.gov](mailto:KSweet@usa.doj.gov)>; Robert S. Salcido ([rsalcido@akingump.com](mailto:rsalcido@akingump.com)) <[rsalcido@akingump.com](mailto:rsalcido@akingump.com)>; Sample, Taylor M. <[taylor.sample@bassberry.com](mailto:taylor.sample@bassberry.com)>; Webber, Hannah E. <[hannah.webber@bassberry.com](mailto:hannah.webber@bassberry.com)>  
**Subject:** [EXTERNAL] RE: Methodist

Ellen,

Methodist can agree to some, but not all, of the government's changes to the joint discovery dispute statement as reflected in your most recent draft. Specifically, Methodist does not agree to include the two paragraphs that span pgs. 4 and 5 of the "Details of Attempts at Resolution" section of the attached redline. Those paragraphs quote selectively from the December 2022 hearing transcript and are clearly intended to support the government's argument. Extensive quotation to the hearing transcript does not constitute the parties' attempt to resolve the dispute. We understand that the government believes the quoted statements support its position. Methodist disagrees. The government is free to quote the hearing transcript in its own position statement, as Methodist has done, but those paragraphs are not jointly agreed to by the parties and cannot be presented to the Court as a joint statement by the parties.

Proposed clean versions of the joint motion and joint statement are attached. Methodist opposes any extension of the three-page limit to the parties' position statements as imposed by the case management orders.

Thanks,  
Taylor

**Taylor Chenery**

**Bass, Berry & Sims PLC**  
150 Third Avenue South, Suite 2800 • Nashville, TN 37201  
615-742-7924 phone • 615-618-3300 cell  
[TChenery@bassberry.com](mailto:TChenery@bassberry.com) • [www.bassberry.com](http://www.bassberry.com)

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**From:** Bowden, Ellen (USATNM) <[Ellen.Bowden2@usdoj.gov](mailto:Ellen.Bowden2@usdoj.gov)>  
**Sent:** Thursday, April 27, 2023 3:39 PM  
**To:** Chenery, Taylor <[TChenery@bassberry.com](mailto:TChenery@bassberry.com)>  
**Cc:** Roark, Brian <[BRoark@bassberry.com](mailto:BRoark@bassberry.com)>; [jmartin@barrettjohnston.com](mailto:jmartin@barrettjohnston.com); Seth Hyatt <[shyatt@barrettjohnston.com](mailto:shyatt@barrettjohnston.com)>; [bryanvroon@gmail.com](mailto:bryanvroon@gmail.com); Shuford, Wynn (USATNM)

<[Wynn.Shuford@usdoj.gov](mailto:Wynn.Shuford@usdoj.gov)>; Sweet, Kara (USATNM) <[Kara.Sweet@usdoj.gov](mailto:Kara.Sweet@usdoj.gov)>

**Subject:** Methodist

Taylor – The US considered your proposed redline changes to the joint discovery dispute statement and the joint motion, and we have accepted many, but not all, changes. Assuming that you accept this version “as is,” you have our permission to file it with one caveat. Since you did not agree to ask for a page limit expansion in the joint motion, the US will be filing a separate motion for leave to file a position that exceeds three pages. At present, our position is approximately four pages, and that is what we are asking leave to file. Please let us know if you object to this requested motion or not. In either case, we want to file our motion before you file the joint motion. Please advise. Thank you.

Ellen

**Ellen Bowden McIntyre**

**Deputy Civil Chief, ACE**

**United States Attorney’s Office**

**Middle District of Tennessee**

Work – 615-736-2125

Work cell – 615-428-4297

[Ellen.Bowden2@usdoj.gov](mailto:Ellen.Bowden2@usdoj.gov)

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